

UNITED STATES DISTRICT COURT

for the
Eastern District of Wisconsin

In the Matter of the Search of:

Cellular phone 605CYHE130233 in the custody
of the Milwaukee Police Department.

Case No. 19-933M(NJ)

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property:

See Attachment A

located in the Eastern District of Wisconsin, there is now concealed:

See Attachment B

The basis for the search under Fed. R. Crim P. 41(c) is:

- ☒ evidence of a crime;
- ☐ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to violations of: 21 U.S.C. § 841(a)(1); 18 U.S.C. § 922(g)(1), and 18 U.S.C. § 924(c)

The application is based on these facts: See attached affidavit.


☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.


Applicant's signature

ATF Special Agent Matthew Mason
Printed Name and Title

Sworn to before me and signed in my presence:

Date: October 11, 2019


Judge's signature

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

I, Matthew Mason, being duly sworn, hereby depose and state:

I. BACKGROUND, TRAINING & EXPERIENCE

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). I have been so employed since September 2015. Prior to my employment with ATF, I was a Police Officer with the Calumet City Illinois Police Department, from 2003 until 2015. As part of my duties as an ATF Special Agent, I investigate criminal violations relating to violent crime, and firearms and explosives offenses, including 18 U.S.C. § 922(g)(1) (felon in possession of a firearm) and 26 U.S.C. §§ 5861(d), (e) & (f), (possess, transfer or making a firearm not registered in the National Firearms Registration and Transfer Record).

2. During my career in law enforcement, I have investigated violations of federal narcotics laws and related violations, including federal firearms offenses. Based on my training, experience, and participation in firearms and drug trafficking investigations, I know and have observed the following:

- a. I have used informants to investigate drug trafficking. Through informant interviews, and extensive debriefings of individuals involved in drug trafficking, I have learned about the manner in which individuals and organizations distribute controlled substances in Wisconsin and throughout the United States;
- b. I have also relied upon informants to obtain controlled substances from dealers by making controlled purchases of controlled substances from dealers. I have extensive experience conducting street surveillance of individuals engaged in drug trafficking. I have participated in the execution of numerous search warrants where controlled substances, drug paraphernalia, and drug trafficking records were seized;

- c. I am familiar with the appearance and street names of various drugs, including marijuana, methamphetamine, heroin, cocaine, cocaine base (crack cocaine), and ecstasy. I am familiar with the methods used by drug dealers to package and prepare controlled substances for sale. I know the street values of different quantities of the various controlled substances;
 - d. I am familiar with the language used over the telephone to discuss drug trafficking, and know that the language is often limited, guarded, and coded;
 - e. I know that drug traffickers often use various communication devices to conduct drug trafficking operations, and that drug traffickers often communicate on cell phones using text messages and direct connect cell phone capabilities; and
 - f. I know that drug traffickers commonly have in their possession, and at their residences and other locations where they exercise dominion and control, firearms, ammunition, and records or receipts pertaining to such.
3. The facts contained in this affidavit are known to me through my personal knowledge, training, and experience, through information provided to me by others, and through information provided to me by other law enforcement officers and my review of official law enforcement records and reports which I consider to be truthful and reliable.
4. Because this affidavit is submitted for the limited purpose of securing a search warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are essential to establish probable cause.
5. I make this affidavit in support of an application for search warrant for the

following item: **Gold, LG, LGMS428, with serial number 605CYHE130233** touch screen cellular phone. This device is in the custody of the Milwaukee Police Department, 2620 W. Wisconsin, Milwaukee, Wisconsin.

II. PROBABLE CAUSE

6. On 03/05/2019, MPD Officers were investigating firearm and narcotics offenses at 1660 N. Prospect Avenue in Milwaukee, Wisconsin. During the investigation, Officers learned that DARRAH, who is a convicted felon, was likely in possession of firearms at 735 West Wisconsin Avenue #1001 in Milwaukee, Wisconsin.
7. Officer Ramirez #018997 authored a search warrant for 735 West Wisconsin Avenue #1001, which is in the City and County of Milwaukee, Wisconsin. The Honorable Judge Claire Fiorenza granted the search warrant. Prior to executing the warrant, Officers learned that DARRAH was on extended supervision and had an active arrest warrant for violating terms of his supervision.
8. On 03/09/2019, MPD Officers executed the search warrant at 735 W. Wisconsin Avenue. Prior to the execution of the warrant, Officers surveilled the property. Officers observed and detained DARRAH and RAMOS as they exited the building and entered a blue Ford Fusion. The Fusion had Wisconsin registration ADS-4997 and registered to RAMOS.
9. On DARRAH's person, Officers recovered a clear bag inside his left front pocket. Inside the bag were three clear bags containing suspect cocaine, suspected cocaine base, and pills. Officers also recovered from DARRAH's person, a digital scale, U.S. currency, gold LG cellular phone, keys to the Ford, and keys to 735 W. Wisconsin Ave #1001. On the plate of the scale was a residue that later field-tested positive for the presence of cocaine.
10. Officers then executed the search warrant upon the apartment. No additional person were located inside the residence. Officers recovered \$18,070 United States Currency, documents in RAMOS' name, marijuana, drug paraphernalia, three firearms, and ammunition.
11. DARRAH has three prior felony convictions in Wisconsin for Bail jumping-

Felony under Milwaukee County case number 2018CF001713, 2018CF002322, and 2018CF004820.

12. On June 11, 2019, a grand jury in this district returned a three-count indictment charging DARRAH with felon in possession of a firearm, possession with intent to distribute cocaine, and possession of a firearm in furtherance of a drug trafficking crime.

III. CONCLUSION

13. Based on the foregoing facts and circumstances, there is probable cause to believe that David DARRAH was involved in the distribution of narcotics in violation of 21 U.S.C. § 841(a)(1), and felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1), possession of a firearm in furtherance of a drug trafficking crime, in violation of 18 U.S.C. § 924(c). There is also probable cause to search the **Gold, LG, LGMS428, touchscreen cellular phone with serial number 605CYHE130233** as described in Attachment A for evidence of these crimes, as described in Attachment B.

ATTACHMENT A

PROPERTY TO BE SEARCHED

The Property to be searched is a **Gold, LG, LGMS428, touch screen cellular phone with serial number 605CYHE130233**. The device is in the custody of the Milwaukee Police Department, 2620 W. Wisconsin, Milwaukee, Wisconsin.

ATTACHMENT B
ITEMS TO BE SEIZED

All records on the **Gold, LG LGMS428, touch screen cellular phone with serial number 605CYHE130233** described in Attachment A that relate to violations of drug distribution, in violation of 21 U.S.C. § 841(a)(1), felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1), and possession of a firearm in furtherance of a drug trafficking crime, in violation of 18 U.S.C. § 924(c), and involve David DARRAH including, but not limited to:

- a. Drug customers and related identifying information;
- b. types, amounts, and prices of drugs trafficked as well as dates and amounts of specific transactions;
- c. any information related to sources of drugs (including names, addresses, phone numbers, or any other identifying information);
- d. any information related to the possession or use of firearms; and
- e. photographs and/or videos showing DARRAH in possession of firearms and/or narcotics.